

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

AUTHOR J. MANNING, JR.,

Plaintiff,

v.

TIME WARNER BROS DISCOVERY,
et al.,

Defendants.

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Case No. 6:23-cv-529-JDK-KNM

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Author J. Manning, proceeding pro se, filed a document titled “Motion for Removal Motion to Move the Case,” seeking to remove this case from the 114th District Court for Smith County, Texas to this Court. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition.

On November 17, 2023, Judge Mitchell issued a Report recommending that the Court deny Plaintiff’s motion to remove and remand this case to the state court. Docket No. 7. No objections have been received.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc),


superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, no party objected in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 7) as the findings of this Court. Plaintiff's motion to remove his case (Docket No. 1) is **DENIED**. It is **ORDERED** that this case is **REMANDED** to the 114th Judicial District Court of Smith County, Texas immediately and without the delay provided for in Local Rule CV-83(b).

All pending motions are **DENIED** as moot. The clerk of court is directed to close this case.

So **ORDERED** and **SIGNED** this **15th** day of **December, 2023**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE